

Assembly Bill No. 1160

CHAPTER 84

An act to amend Section 11704 of the Probate Code, relating to decedents' estates.

[Approved by Governor August 12, 2013. Filed with
Secretary of State August 12, 2013.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1160, Wagner. Decedents' estates: personal representative.

Existing law authorizes a personal representative, or any person claiming to be a beneficiary or otherwise entitled to distribution of a share of an estate, to file a petition for a court determination of the persons entitled to distribution of the decedent's estate. Existing law also requires the court to consider as evidence in the proceeding any statement made in a petition and any statement of interest, except as specified, and authorizes the personal representative to file papers and otherwise participate in the proceeding as a party to assist the court.

This bill would instead authorize the personal representative to file a petition with the court for authorization to participate in the proceeding as necessary to assist the court. The bill would authorize the court to grant or deny the petition without an evidentiary hearing and would require a showing of good cause for a petition to be granted. The bill would also require a court to determine the manner and capacity in which the personal representative may provide assistance in the proceeding.

The people of the State of California do enact as follows:

SECTION 1. Section 11704 of the Probate Code is amended to read:

11704. (a) The court shall consider as evidence in the proceeding any statement made in a petition filed under Section 11700 and any statement of interest filed under Section 11702. The court shall not hear or consider a petition filed after the time prescribed in Section 11700.

(b) (1) The personal representative may petition the court for authorization to participate, as necessary to assist the court, in the proceeding. Notice of the hearing on the petition shall be given to the persons identified in Section 11701 in the manner provided in Section 1220.

(2) The court may grant or deny this petition, in whole or in part, on the pleadings, without an evidentiary hearing or further discovery. A petition filed pursuant to this subdivision may be granted only upon a showing of good cause. The court shall determine the manner and capacity in which the personal representative may provide assistance in the proceeding. The

court may direct the personal representative to file papers as a party to the proceeding, or to take other specified action, if deemed by the court to be necessary to assist the court.